

Safe Living Policy

22nd June 2020



1. What this policy is about

Your Homes Newcastle (YHN) is an Arms-Length Management Organisation (ALMO), responsible for managing the housing stock and allocations for Newcastle City Council and Leazes Homes.

Dealing with anti-social behaviour and neighbour nuisance effectively is an important part of managing housing in Newcastle and is also a priority for our customers. We believe that residents are entitled to live in safe, well-managed homes where they feel good about themselves and their communities.

Everyone has a right to enjoy life in their own way, as long as it doesn't unreasonably affect the lives of other people. We will enforce the conditions of the tenancy agreement (or lease if appropriate) and tackle behaviour which is anti-social.

We are strongly committed to fairness and making sure that everyone has the same opportunities to achieve the same, or similar, outcomes. This policy meets the requirements set out by the Equality Act 2010 and aims to prevent unlawful discrimination on the grounds of disability, race, gender, age, sexual orientation, religion and beliefs, pregnancy and maternity, gender reassignment, marriage and civil partnerships.

This policy sets out our approach to tackling anti-social behaviour and breaches of Tenancy in the properties and neighbourhoods we manage. It supports Newcastle City Council's strategic objectives to reduce incidents of anti-social behaviour as well as the aims of the Community Safety Partnership 'Safe Newcastle' to promote better lives and stronger communities.

Various legislative Acts of Parliament also govern the way in which we operate, including (but not limited to):

- Housing Act 1996; 2004
- Anti-social Behaviour, Crime and Policing Act 2014
- Data Protection Act 1998 and General Data Protection Regulations 2018
- Equality Act 2010

The Anti-Social Behaviour Crime and Policing Act 2014 defines anti-social behaviour as:

- *“Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”*
- *“Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises”*
- *“Conduct capable of causing housing related nuisance or annoyance to any person”.*

Anti-social behaviour can take many different forms, ranging from threatening behaviour to loud music and untidy gardens. It includes Hate Crime, harassment and domestic abuse.

YHN's vision is to be 'first for housing' and its purpose is to 'make living easier'. Our approach to anti-social behaviour has been guided by our values of Ready, Amazing, Revolutionary, Energetic. It supports our Business Strategy: Destination 2022 and the strategic objectives of:

- **Revolutionary services that support successful living** -through knowing our customers better so that we can target services that meet their needs and by supporting those affected by anti-social behaviour.
- **Amazing places where people are proud to live** –through working in partnership with other agencies and organisations to help reduce the level of crime, anti-social behaviour, nuisance and annoyance.
- **Strong business fit for today, ready for tomorrow** – by delivering excellent services that support customers to live in well-managed homes in safe neighbourhoods, including taking effective action against those who cause problems in the community.

This policy has been written in-line with our framework for developing policies and is supported by detailed guidance and procedures for staff. It reflects relevant policies and procedures of Newcastle City Council and partner organisations and has been shaped by feedback and best practice, including:

- ASB Crime and Policing Act 2014 – Statutory Guidance for frontline professionals
- Home Office 'Effective case management principles for anti-social behaviour'
- Chartered Institute of Housing (CIH) 'Respect Charter'
- Scrutiny Involvement For Tenants (SIFT) Report November 2019
- RedQuadrant Review of partnership anti-social behaviours policies and procedures May 2018

2. Who this policy is for

This policy will be followed by YHN members of staff dealing with anti-social behaviour and it also sets out our approach to customers and the partner agencies we work with.

3. Our approach

Preventing anti-social behaviour

Preventing anti-social behaviour is important to creating safe communities. YHN will:

- Work in close partnership with Newcastle City Council's Neighbourhood Warden service, who aim to reduce anti-social behaviour and fear of anti-social behaviour by providing a visible presence on our estates. The Neighbourhood Wardens also work closely with Primary Schools in Newcastle to run the Junior Wardens Scheme which aims to educate young people on the effects of anti-social behaviour
- Publicise information on enforcement action taken to tackle ASB, where appropriate, to help reassure residents and deter perpetrators

Tenants' responsibilities

All tenants of Your Homes Newcastle and Leazes Homes have signed a Tenancy Agreement which sets out the responsibilities and behaviours expected from them. They must not commit, or allow the people living in or visiting their home to commit, acts of anti-social behaviour.

We consider that anti-social behaviour constitutes a wide variety of activities that may cause nuisance and annoyance to others. Anti-Social behaviour includes, but is not limited to, the following behaviours:

- Domestic Abuse
- Physical violence
- Harassment
- Hate Crime
- Verbal abuse, or other threatening behaviour (including against members of staff or contractors)
- Drug and alcohol abuse resulting in anti-social behaviour
- Involvement with illegal drugs
- Playing loud music or making excessive noise
- Animal nuisance (including fouling, noise and aggressive animals)
- Fly-tipping, setting fires, graffiti and other environmental crime
- Illegal or immoral use of a property
- Any other activities that would reasonably be considered to cause nuisance and annoyance to others.

There are certain types of behaviour that we would not consider anti-social behaviour. Examples of these behaviours include, but are not limited to, the following:

- Children playing
- Children crying

- Car parking disputes
- Isolated and short incidents of dogs barking
- DIY activities at reasonable times of the day
- Everyday household living noise

YHN manage the graded response escalation process on behalf of our partner agencies and we will use a series of proportionate warnings and Acceptable Behaviour Agreements if we believe that their behaviour is anti-social.

However, in serious and/or repeat cases our action may involve an immediate application to the Courts to help resolve the issue. In very serious cases of anti-social behaviour we may take this action without any further warning to the tenant.

Responding to anti-social behaviour complaints

When a customer contacts YHN to report anti-social behaviour, the service they receive will be polite, fair and unbiased and confidential. Effective case management underpins all our activity to deal with anti-social behaviour effectively, starting from when a complaint is first received until the matter is resolved. The welfare, safety and well-being of victims whose complaints form the basis of any action that we take, are our main consideration at every stage of our process, and we endeavour to provide a fair and consistent service to tenants, taking reasonable and proportionate action to tackle anti-social behaviour.

If an incident is made up of several different types of antisocial behaviour, we will respond to the complaint according to the most serious type of behaviour.

Investigating anti-social behaviour

When a case is first opened, it will be assessed by a member of the Safe Living Team, who will complete a welfare risk assessment and ensure that a record of the complaint is made.

The Safe Living Team will keep in regular contact with the customers involved in the case and will provide feedback where appropriate, using the customer's preferred method of communicating (e.g. email, phone call). We will require the customer to record further incidents of anti-social behaviour and submit these reports to us as agreed in the Case Action Plan.

Throughout the case, the Safe Living Team will assess and review the progress of the case and take reasonable and appropriate action where necessary.

Taking action

The action that YHN takes in respect of complaints about anti-social behaviour will always be reasonable and proportionate. Sometimes, simply reminding someone

that their behaviour is upsetting their neighbour is often enough to resolve any differences.

We have a suite of tools and powers available to us as a social landlord to resolve cases of anti-social behaviour. The action we take may include, but is not limited to:

- Effective early intervention using a combination of verbal and written warnings
- Acceptable Behaviour Agreements
- Mediation
- Civil Injunctions
- Investigating, then supporting our partner agencies to secure Closure Notices and Closure Orders
- Close working with partner agencies and Support and Progression to assist with supporting and trying to change the behaviour of those who behave in an anti-social manner
- Joint visits with Police
- Mandatory Possession
- Possession Proceedings

We will always take into account the customer's views; however, we cannot guarantee that the action we take will be what the customer wants. Where we cannot take action, or where we cannot evidence the anti-social behaviour, we will explain this in detail. **In most cases, the customer must give us consent to approach the perpetrator(s) and we will be unable to effectively deal with the anti-social behaviour without it.**

While the overall aim of our approach is to put a stop to the anti-social behaviour and reduce the risk of tenancies failing, we recognise that unfortunately not every tenancy will be sustainable. There will be circumstances where serious anti-social behaviour is associated with a particular tenancy and/or individual.

Where we believe that the behaviour is so serious and/or is having an adverse impact on other residents and/or the wider community, immediate enforcement action may be taken to protect victims and the community. We will only do this after considering the rights and safety concerns of the local community and the perpetrator's position. It is our approach that legal action will only be taken when deemed proportionate to do so and where it is clear that the issues cannot be resolved through intervention by YHN or our partners.

In exceptional circumstances, where a victim is unable to remain safely in their home due to serious harassment, we will consider options for rehousing in-line with Newcastle City Council's or Leazes Homes' lettings policies respectively. Re-housing within the same area or in close proximity will be considered only where we believe it to be in the best interests of, and safe for, the victim.

If court action is required, we may ask our customers to provide a statement and attend court. We understand that not everyone feels able to give evidence in court so in these cases, we will try to use the evidence that other people, such as Housing Officers and Police Officers, have gathered.

Where anti-social behaviour is linked to domestic abuse, we will also follow our Domestic Abuse Policy to take action against the perpetrators and support victims. Where we believe there is a safeguarding issue, including hoarding, we follow our Safeguarding Policy to prevent or reduce the risk of harm to children or vulnerable adults.

We do not tolerate abuse to our staff, contractors or anyone else providing services on our behalf. This includes verbal or physical abuse, intimidation or threats and we will take appropriate action against offending customers.

Closing cases

We may close an anti-social behaviour case following investigations for reasons including (but not limited to):

- Not enough evidence;
- It is not anti-social behaviour;
- The customer has not cooperated to assist the investigation; or
- The ASB has stopped and the likelihood of further ASB is low.

In these situations, we will inform the customer in person, at the earliest opportunity that further action cannot be taken.

We will not re-open a closed case without good reason, for example, where there has been a change in circumstances or new evidence has come to light. We will follow the approach set out in our complaints policy to address persistent complainers who continue to report behaviour which is not anti-social or who do not cooperate with, or consent to, our investigations.

Providing support

We understand that it can be difficult for many victims or witnesses of anti-social behaviour to report issues. Some victims of anti-social behaviour might have complex or additional support needs. We will act quickly to assess and minimise any risks and will make appropriate referrals (with the consent of the victim or witness) to partner agencies for the right support.

We also recognise that some perpetrators may be vulnerable or victims themselves. We will make relevant checks with agencies to try to establish any current or recent involvement and ensure they have access to support to address any unacceptable

behaviour. We will support them to sustain their tenancy if it's at risk, except where the anti-social behaviour is serious and/or persistent and where the perpetrator has refused to engage with the support or measures offered, then we may take enforcement action using the full range of tools and powers available.

If a victim or witness of anti-social behaviour needs to attend court, we will provide support and guidance before, during and after this process. We will explain the procedures to them, so they know what to expect, how to give evidence and how it will be used.

Partnership working

We work in partnership with others to maintain a safe environment for our tenants to live in. Examples of partners we work with are:

- Northumbria Police
- Newcastle City Council, including, Community Safety Team, Public Health teams, Adult Services and Children's Services, Neighbourhood Wardens and Youth Justice Service
- National Probation Service and the Community Rehabilitation Company
- Victim Support
- Primary Care Trust and other health professionals
- Other social landlords

When required, we attend multi-agency and partnership meetings such as the Multi-Agency Risk Assessment Conference (MARAC) for domestic violence, and Multi-Agency Public Protection Arrangements (MAPPA) to identify solutions to protect people and tackle anti-social behaviour in the community. We also provide representation at the 'A Victims Approach to Anti-Social Behaviour Hub' and the 'Youth Early Intervention and Assessment Hub'.

Confidentiality, data protection and sharing information

We share information with our partners in accordance with relevant legislation such as the General Data Protection Regulations 2018, Data Protection Act 2000 and the Crime and Disorder Act 1998 to help protect vulnerable victims and detect, prevent and take coordinated action against, crime and anti-social behaviour.

We will not reveal the customer's identity unless they agree that we can or unless there is a need to share that and other information with other agencies for lawful purposes, such as where there is a need to safeguard someone at risk of harm.

If a member of staff becomes aware that they know any of the people involved in an anti-social behaviour case on a personal basis, they will follow a process to have the case assigned to another member of their team and they will end their involvement in

it. This will help to ensure that staff can continue to operate with integrity and professionalism and that the customers and perpetrators receive a fair and impartial service.

Reporting, monitoring and review

Performance around anti-social behaviour will be measured on a monthly basis. Performance will be measured at Officer, Area and Whole Service Levels. Local performance targets will be set in relation to the delivery of the service.

Citywide performance reports will be available to Boards and Senior Management Teams as appropriate. Safe Living Managers will monitor Officers ASB case management using a robust quality control approach and discuss with officers in monthly review meetings.

This policy will be reviewed every three years or sooner if there are changes in relevant legislation or if best practice, independent reviews, audits or complaint outcomes suggest a review is required. We will also review this policy following changes to relevant Newcastle City Council or Leazes Homes' policies or procedures as required.

Value for money

Anti-social behaviour is costly to everyone – whether this results in people wanting to move from the area or costs involved in cleaning up communal spaces and graffiti. We will continue to work with our partners and use the tools available to us to prevent and tackle anti-social behaviour so that customers can live in safe and desirable neighbourhoods they are proud to call home.

4. Glossary

Here is a brief explanation of some of the terms used in this policy:

Acceptable Behaviour Agreement (ABA)	A voluntary, written agreement between the person who is behaving antisocially and local agencies, like the police. It lists anti-social acts that the perpetrator agrees not to commit and there are consequences if the agreement is breached.
Anti-Social Behaviour (ASB)	The Anti-Social Behaviour Crime and Policing Act 2014 defines anti-social behaviour as: <ul style="list-style-type: none"> - <i>“Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”</i> - <i>“Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”</i> - <i>“Conduct capable of causing housing related nuisance or annoyance to any person”.</i>
Case Action Plan	A series of actions agreed with the customer regarding the steps we will take to investigate reported complaints
Civil injunction	A special court order that requires a perpetrator to refrain from certain acts. Breaching the injunction leads to civil penalties and/or imprisonment
Closure order	Formal sanctions that allow the police and the council to quickly close premises which are being used, or are likely to be used to commit nuisance or disorder
Closure notice	Prohibits access to the premises for a specified period of time. An application can then be made to court for a closure order.
Complainant	A person who has made a complaint
Mandatory possession	Mandatory conditions under which a landlord can obtain possession of a property from a tenant who is guilty of anti-social behaviour
Multi Agency Public Protection Arrangements (MAPPA)	Various agencies such as the police, housing and Probation work together to protect the public by managing the risks posed by violent and sexual offenders living in the community.
Mediation	Mediation helps the person causing the antisocial behaviour to understand the complaint’s feelings.
Multi Agency Risk Assessment Conference (MARAC)	A meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing

	practitioners and other specialists, with the aim of creating an action plan to increase the safety of the victim.
Perpetrator	A person causing anti-social behaviour
Possession proceedings	The steps/procedure that must be followed to get a court order and take back possession of a property from a tenant
Risk assessment	A tool to help assess the customer's vulnerability and the risk of further harm, and to identify welfare and support needs they may have
Tenancy agreement	A contract between a tenant and the landlord which sets out the responsibilities of both parties

For policy queries or more information, contact the author or the Policy and Innovation Team.

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Author:	Vicki Readymarcher, Safe Living Manager; John Meldrum, Senior Manager Safe Living; Rebecca Yates, Policy and Innovation Officer		
Owner:	Crystal Hicks, Assistant Director Housing Services		
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